



## CITY OF PHILADELPHIA

POLICE DEPARTMENT  
HEADQUARTERS, FRANKLIN SQUARE  
PHILADELPHIA, PENNSYLVANIA 19106

RICHARD J. ROSS, JR.  
Commissioner

August 8, 2019

Mr. Michael Dank  
75405-47043603@requests.muckrock.com

RE: Your Request for Information

Dear Mr. Dank ,

Your request for information dated 06-16-19 was received by this office on 08-01-19 for:

1. See attached

After processing your informal request, the Philadelphia Police Department responds as follows:

Your request is ***denied*** and ***cannot be granted*** as set forth below.

Your request is denied pursuant to Section 705 of the Right-to-Know Act, in which when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format, or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record. *Cf. Jenkins vs. Pennsylvania Department of State*, Docket No. AP 2009-0065 (OOR April 2, 2009).

Furthermore, your request *cannot be granted* pursuant to that the PPD does not have any information or records responsive to your request in its possession, under its custody or within its control. It is not a denial of access under the Act if the records requested do not exist. *Cf. Jenkins vs. Pennsylvania Department of State*, Docket No. AP 2009-0065 (OOR April 2, 2009)."

While PPD has no records responsive to your request, should responsive records be discovered in the future, they may be exempt for the following reasons:

- *Records regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security exempt pursuant to 65 P.S. § 67.708(b)(4).*
- *Records relating to a criminal investigation exempt from disclosure pursuant to 65 P.S. § 67.708(b)(16).*

-see also *Criminal History Record Information Act ("CHRIA")*, 18 Pa. C.S. §§ 9101-9183 (protecting from disclosure "intelligence information," "investigative information" and "treatment information").

*-“Information collected by criminal justice agencies concerning individuals, and arising from the initiation of ... criminal proceedings consisting of identifiable descriptions, dates and notations of arrests, indictments, information or other formal criminal charges and any dispositions arising therefrom[.]” or other investigatory information, intelligence information, or treatment information or which Mayor’s Department and Law Department cannot disclose to you under CHRIA. 18 Pa.C.S. § 9102; 18 Pa.C.S. § 9121(b); accord CHRIA Handbook at p. 14 (“Only state or local police departments shall disseminate criminal history record information to noncriminal justice agencies and individuals.”).*

*-Vehicle pursuit policy adopted under 75 Pa. C.S.A. § 6342 is confidential. See 75 Pa. C.S.A. § 6432(e).*

*· Records relating to noncriminal investigations exempt from disclosure pursuant to 65 P.S. § 67.708(b)(17).*

This response will serve to close this particular request for information with our office as permitted by law. Thank you for contacting the Philadelphia Police Department’s Open Records Office.

**FOR THE POLICE COMMISSIONER**

Sincerely,

A handwritten signature in black ink that reads "Lt. Barry Jacobs #97". The signature is written in a cursive, flowing style.

Lieutenant Barry Jacobs  
Open Records Officer  
Philadelphia Police Department  
750 Race Street, Room 203  
Philadelphia, PA 19106  
FAX: 215-686-1183  
Email: [police.righttoknow@phila.gov](mailto:police.righttoknow@phila.gov)